

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 ZACHARY T. FANSELOW
Deputy Attorney General
4 State Bar No. 274129
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2562
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. VN-2010-3714

11 **TAMRA LYNN CAMP**

12 1319 Beale Avenue
13 Bakersfield, CA 93305

14 Vocational Nurse License No. VN248641

15 Respondent.

A C C U S A T I O N

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17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely
20 in her official capacity as the Executive Officer of the Board of Vocational Nursing and
21 Psychiatric Technicians, Department of Consumer Affairs.

22 2. On or about March 17, 2010, the Board of Vocational Nursing and Psychiatric
23 Technicians ("Board") issued Vocational Nurse License No. VN248641 to Tamra Lynn Camp
24 ("Respondent"). The Vocational Nurse License was in full force and effect at all times relevant
25 to the charges brought herein and will expire on March 31, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code, unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b), states in pertinent part that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration.

5. Section 490 states, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

6. Section 492 states:

"Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for

1 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a
2 record pertaining to an arrest.

3 "This section shall not be construed to apply to any drug diversion program operated by any
4 agency established under Division 2 (commencing with Section 500) of this code, or any
5 initiative act referred to in that division."

6 7. Section 2875 states, in pertinent part, that the Board may discipline the holder of a
7 vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of
8 the Vocational Nursing Practice Act.

9 8. Section 2878 states, in pertinent part:

10 "The Board may suspend or revoke a license issued under this chapter [the Vocational
11 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

12 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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14 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
15 violating of, or conspiring to violate any provision or term of this chapter.

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17 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
18 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
19 evidence of the conviction."

20 9. Section 2878.6 states:

21 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
22 charge substantially related to the qualifications, functions and duties of a licensed vocational
23 nurse is deemed to be a conviction within the meaning of this article. The board may order the
24 license suspended or revoked, or may decline to issue a license, when the time for appeal has
25 elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
26 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
27 the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of
28 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the

1 accusation, information or indictment."

2 **REGULATORY PROVISIONS**

3 10. California Code of Regulations, title 16, section 2521, states, in pertinent part:

4 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
6 considered to be substantially related to the qualifications, functions or duties of a licensed
7 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
8 vocational nurse to perform the functions authorized by his license in a manner consistent with
9 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those
10 involving the following:

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12 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
13 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the
14 Business and Professions Code."

15 **COST RECOVERY**

16 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licensee found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Convictions of Substantially Related Crimes)**

22 12. Respondent's license is subject to discipline under section 490 and section 2878,
23 subdivision (f), in conjunction with California Code of Regulations, title 16, section 2521, in that
24 Respondent was convicted of crimes substantially related to the qualifications, functions, and
25 duties of a vocational nurse as follows:

26 a. On or about January 24, 2012, after pleading *nolo contendere*, Respondent was
27 convicted of one felony count of violating Penal Code section 368, subdivision (b)(1) [elder
28 abuse], in the criminal proceeding entitled *The People of the State of California v. Camp, Tamra*

1 Lynn (Super. Ct. Kern County, 2011, No. BF138170A). The court sentenced Respondent to serve
2 six (6) months in jail and placed her on probation for a period of three (3) years. The
3 circumstances surrounding the conviction are that on or about August 21, 2011, Respondent
4 became angry with her elderly mother and punched her in the back of her head with her fist
5 numerous times causing her mother to fall to the ground. Respondent continued to punch her
6 mother's head, her upper left arm, and kicked her left quad while she was lying on the ground.
7 When questioned by officers, Respondent admitted that she assaulted her elderly mother because
8 she was going through a lot of stress and just lost it. Respondent was subsequently arrested for
9 violating Penal Code section 368, subdivision (b)(1) [elder abuse].

10 b. On or about April 15, 2011, after pleading *nolo contendere*, Respondent was
11 convicted of one misdemeanor count of violating Penal Code section 148, subdivision (a)(1)
12 [resisting or obstructing an officer], in the criminal proceeding entitled *The People of the State of*
13 *California v. Camp, Tamra Lynn* (Super. Ct. Kern County, 2011, No. BM784493A). The court
14 sentenced Respondent to serve two (2) days in jail, and placed her on probation for a period of
15 three (3) years. The circumstances surrounding the conviction are that on or about March 4,
16 2011, Kern County Sheriff Officers were dispatched to assist Child Protective Services Workers
17 investigate Respondent's residence as well as execute an outstanding arrest warrant against
18 Respondent. Upon arrival at the residence the officers made contact with Respondent and
19 explained to her that they had a warrant for her arrest. When officers attempted to place
20 Respondent under arrest, she knocked the officer's hand out of the way, tried to close the door on
21 the officers and ran into the home. Officers followed Respondent into the home where she was
22 eventually arrested for violating Penal Code section 148, subdivision (a)(1) [resisting or
23 obstructing an officer].

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct)**

26 13. Respondent's license is subject to discipline under section 2875 and section 2878,
27 subdivision (a), for engaging in unprofessional conduct. Complainant refers to, and by this
28 reference incorporates, the allegations set forth above in paragraph 12, subparagraphs (a) and (b),

1 inclusive, as though set forth fully.

2 **THIRD CAUSE FOR DISCIPLINE**

3 **(Violating Provisions of the Vocational Nursing Practice Act)**

4 14. Respondent's license is subject to discipline under section 2875 and section 2878,
5 subdivision (d), in that Respondent violated provisions of the Vocational Nursing Practice Act.
6 Complainant refers to, and by this reference incorporates, the allegations set forth in paragraphs
7 12 and 13, inclusive, as though set forth fully.

8 **DISCIPLINARY CONSIDERATIONS**

9 15. To determine the degree of discipline, Complainant alleges that:

10 a. On or about December 3, 2009, the Board issued a letter to Respondent regarding her
11 2007 conviction for child endangerment. The Board informed Respondent that her conviction

12 was substantially related to vocational nursing licensure, but that the Board would not pursue
13 disciplinary action at this time. The circumstances surrounding the conviction are as follows:

14 b. On or about July 6, 2007, after pleading nolo contendere, Respondent was convicted
15 of one misdemeanor count of violating Penal Code section 273a(b) [child endangerment] in the
16 criminal proceeding entitled *The People of the State of California v. Camp, Tamra Lynn* (Super.
17 Ct. Kern County, 2007, No. BM712517A). The Court placed Respondent on probation for a
18 period of four (4) years, and ordered her to complete a fifty-two (52) week parenting class.

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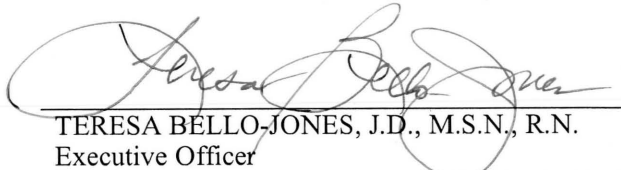
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Vocational Nurse License No. VN248641, issued to Tamra Lynn Camp;
2. Ordering Tamra Lynn Camp to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: May 28, 2013


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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